

REMARKS

In response to the Office Action dated February 12, 2007, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims and objection to the drawings.

The drawings were objected to as allegedly not showing every feature of the invention specified in the claims. The Office Action states that the recitation that "the lock code has a priority" must be shown or canceled from the claims. It is respectfully submitted that this feature is embodied in the logic circuit represented by AND gate 2 in Figure 1 of the application, for example. As described in the specification at page 7, lines 23-25 the AND gate "masks the mode bit of the serial-in-shift register 9 by the output of the lock-code-decoding circuit 1." By masking the mode bit, therefore, the lock code takes priority over the mode bit. It is respectfully submitted that the structure that implements this function is illustrated in the figure, and therefore the drawings comply with the requirements of 37 C.F.R. §1.83(a). Withdrawal of the objection is respectfully requested.

Claims 1, 5 and 6 were rejected under the first and second paragraphs of 35 U.S.C. §112. In setting forth these rejections, the Office Action states that the specification does not mention the lock code having a priority. Applicant respectfully traverses this assertion. As pointed out in the above-quoted passage from page 7, the specification discloses that the lock code masks the mode bit. Furthermore, in the paragraph bridging pages 8 and 9 of the specification, it discloses that, when the lock code is written into the EEPROM3, it "makes it impossible for users to arbitrarily access an entry into any mode." It is respectfully submitted that these passages

convey to a person of ordinary skill in the art that the lock code has priority over the mode bit.

Although the word "priority" does not explicitly appear in these passages, it is respectfully submitted that it is not necessary to do so in order to comply with the requirements of 35 U.S.C. § 112. For example, as stated in MPEP §2163, subpart II.A.3.(a), "If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, *even if every nuance of the claims is not explicitly described in the specification*, then the adequate description requirement is met." (emphasis added) This passage goes on to cite *Martin v Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) which stated "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient". It is respectfully submitted that the foregoing passages from the specification convey to a person of ordinary skill in the art that the lock code exerts priority over the mode bit. Consequently, the specification complies with the requirements of the first and second paragraphs of 35 U.S.C. §112.

Claims 1, 2, 5, 6, 8 and 9 were rejected under 35 U.S.C. §103, on the basis of the Sibigroth et al. patent (US 5,251,304) in view of the Phillips et al. patent (US 6,505,279). In setting forth the rejection, the Office Action does not address the claimed feature that the lock code has a priority. In fact, the Office Action explicitly states that this claimed feature is being ignored, at page 3, section 8 of the Action. As such, the Office Action fails to establish that the references disclose every feature recited in the claims, as required for a prima facie case of obviousness. See MPEP §2143.

It is respectfully that this approach to the rejection of the claims is improper, and directly contrary to the established procedure set forth in MPEP §2143.03. As stated therein, "When evaluating claims for obviousness under 35 U.S.C. § 103, all the limitations of the claims must be considered and given weight, *including limitations which do not find support in the specification as originally filed...*" (emphasis added). As pointed out in the preceding discussion, the recitation that the lock code has a priority is, in fact, supported by the specification as originally filed.

Furthermore, for the sake of argument, even if one were to take the position that the claimed recitation is not supported, the Examiner is still required to consider it, and give it weight, when making a rejection under 35 U.S.C. § 103. This has not been done in the present case. Accordingly, it is respectfully submitted that the Office Action has not shown that "all the claim limitations [are] taught or suggested by the prior art", and therefore does not establish a prima facie case of obviousness.

Furthermore, pending claim 1 recites that the lock code has a priority "over the mode bit". Claim 5 recites that the function-selecting code has a priority over data received via the external terminal, and claim 6 recites that the limiting code has a priority over a command. It is respectfully submitted that the Sibigtroth and Phillips patent do not disclose these claimed features, nor otherwise suggest them to

a person of ordinary skill in the art. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is therefore respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 13, 2007

By:

A handwritten signature in dark ink, appearing to read 'James A. LaBarre', is written over a horizontal line.

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